

REMARKS

By the present amendment, claims 3 and 5 have been amended to obviate the examiner's objections thereto and/or to further clarify the concepts of the present invention. In particular, the subject matter of dependent claim 4 has been incorporated into independent claim 3. Accordingly, dependent claim 4 has been cancelled. Entry of these amendments is respectfully requested.

In the Office Action, the restriction requirement between claims 1-2 drawn to a method of coating an electrical cable and claims 3-8 drawn to an apparatus for coating an electrical cable was reiterated. As required, the provisional election of claims 3-8 is hereby affirmed.

The drawings were objected to as failing to comply with 37 C.F.R. §1.84(p)(4) because reference character "6" was used to designate both the coating layer and the endless belt (in Figure 2). Corrected drawing sheets in compliance with 37 C.F.R. §1.121(d) were required in reply to the Office Action to avoid abandonment of the application.

In response, accompanying this Amendment is a revised Figure 2 where the reference numeral "6" has been changed to "16" to be in conformity with page ten of the

subject specification. Withdrawal of the objection is therefore requested.

The drawings also were objected to as failing to comply with 37 C.F.R. §1.84(p)(5) because they included the following reference character(s) not mentioned in the description: 28. Corrected drawings sheets in compliance with 37 C.F.R. § 1.121(d) or amendment to the specification to add the reference character(s) in the description in compliance with 37 C.F.R. 1.121(b) were required in reply to the Office Action to avoid abandonment of the application.

In response, accompanying this Amendment is a revised Figure 4 where the reference numeral "28" has been deleted. Withdrawal of the objection is therefore requested.

Claim 3 was rejected under the second paragraph of 35 USC § 112 as being indefinite. In particular, it was alleged that the use of the phrase "the method comprising" was unclear with a preamble reciting an "An electrical coating apparatus."

By the amendments to claim 3, the noted phrase "the method comprising" has been amended to recite "the apparatus comprising" in accordance with the remainder of the preamble. Accordingly, withdrawal of the rejection under the second paragraph of 35 U.S.C. § 112 is respectfully requested.

Claim 3 was provisionally rejected over claims 1-2 of copending application Ser. No. 10/825,220 based on the judicially created doctrine of obviousness type double patenting. In making this rejection, it was asserted that, although the claims of this application and the copending application were not identical, they were obvious over the other and thus were not patentably distinct.

In view of the incorporation of the subject matter of claim 4 into independent claim 3 by the amendments herein, it is submitted that this provisional rejection is now moot. Accordingly, withdrawal is requested.

Claim 5 was provisionally rejected over claims 1-2 of copending application Ser. No. 10/825,220 in view of the patent to Katzschner based on the judicially created doctrine of obviousness type double patenting. In making this rejection, it was asserted that, although the claim of this application and the copending application are not identical, they are obvious over the other and thus are not patentably distinct in view of the cited patent.

In view of the incorporation of the subject matter of claim 4 into independent claim 3 from which dependent claim 5 depends by the amendments herein, it is submitted that this provisional rejection is now moot. Accordingly, withdrawal is requested.

Claims 4 and 7-8 were provisionally rejected over claims 1-2 of copending application Ser. No. 10/825,220 in view of the patents to Katzschner and Gemelli based on the judicially created doctrine of obviousness type double patenting. In making this rejection, it was asserted that, although the claim of this application and the copending application are not identical, they are obvious over the other and thus are not patentably distinct in view of the cited patents.

In response to this rejection, it is to be noted that amended claim 3 which now includes the subject matter of claim 4 includes the following feature:

"a control means for controlling the coating liquid jet means to jet a given amount of a coating liquid on the colorant coated on the outer surface of the electrical cable based on the distance and the electrical cable moving speed measured by the detection means (emphasis added)."

It is submitted that the copending application and the patents to Katzschner and Gemelli, whether taken singly or in combination, do not teach or suggest this particular feature.

In particular, the Katzschner patent discloses a control means of a cable running speed and a colorant jetting device (SK, ST). However, the patent does not disclose a coating liquid jet means to jet a given amount of a coating liquid on the colorant coated on

the outer surface of the electrical cable based on the distance and the electrical cable moving speed. Accordingly, withdrawal of the provisional rejection is requested.

Claim 6 was provisionally rejected over claims 1-2 of copending application Ser. No. 10/825,220 in view of the patent to Katzschner based on the judicially created doctrine of obviousness type double patenting. In making this rejection, it was asserted that, although the claim of this application and the copending application are not identical, they are obvious over the other and thus are not patentably distinct in view of the cited patent.

In view of the incorporation of the subject matter of claim 4 into independent claim 3 from which dependent claim 6 depends by the amendments herein, it is submitted that this provisional rejection is now moot. Accordingly, withdrawal of the provisional rejection is requested.

Claim 3 was rejected under 35 USC § 102(b) as being anticipated by the patent to Unterberger. In addition, claims 3 and 5 were rejected under 35 USC § 102(b) as being anticipated by the patent to Katzschner. In making this rejections, it was asserted that the cited patents each teach the entire apparatus as claimed. Reconsideration of this rejections in view of the above claim amendments and the following comments is respectfully requested.

As mentioned previously, claim 3 has been amended to incorporate the subject matter of dependent claim 4 therein. Thus, it is submitted that these two rejections are now moot and withdrawal is therefore respectfully requested.

Claims 4 and 7-8 were rejected under 35 USC § 103(a) as being unpatentable over the patent to Katzschner in view of the patent to Gemelli. In making this rejection, it was asserted that the cited patent teaches the entire apparatus as claimed. Reconsideration of this rejection in view of the above claim amendments and the following comments is respectfully requested.

As was set forth previously, amended claim 3 is distinguished by, among other things, the feature:

"a control means for controlling the coating liquid jet means to jet a given amount of a coating liquid on the colorant coated on the outer surface of the electrical cable based on the distance and the electrical cable moving speed measured by the detection means." (emphasis added)

It is submitted that the patents to Katzschner and Gemelli, whether taken singly or in combination, do not teach or suggest this particular feature.

In particular, the Katzschner patent discloses a control means of a cable running speed and a colorant jetting device (SK, ST). However, the patent does not disclose a coating liquid jet means to jet a given amount of a coating liquid on the colorant coated on the outer surface of the electrical cable based on the distance and the electrical cable moving speed.

For the reasons stated above, withdrawal of the rejection under 35 U.S.C. § 103(a) and allowance of claims 3 and 7-8 as amended over the cited patents are respectfully requested.

Claim 6 was rejected under 35 USC § 103(a) as being unpatentable over the either of the patents to Unterberger or Katzschner in view of the patent to Smyczek and the admitted prior art on pages 1 and 2 of the subject specification. Reconsideration of this rejection in view of the above claim amendments and the following comments is respectfully requested.

It is submitted that this rejection is now moot due to the incorporation of claim 4 into independent claim 3 from which claim 6 depends. Accordingly, withdrawal of the rejection under 35 U.S.C. § 103(a) and allowance of claim 6 over the cited patents are respectfully requested.

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Amdt. filed 11/24/04  
OA dated 8/24/04

In view of the foregoing, it is submitted that the subject application is now in condition for allowance and early notice to that effect is earnestly solicited.

In the event this paper is not timely filed, the undersigned hereby petitions for an appropriate extension of time. The fee for this extension may be charged to Deposit Account No. 01-2340, along with any other additional fees which may be required with respect to this paper.

Respectfully submitted,

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PATENT TRADEMARK OFFICE

Enclosures: Marked Up Drawings (2 sheets): Replacement Pages (2 Sheets)



IN THE DRAWINGS:

In Figure 2, reference numeral "6" has been changed to reference numeral –16–.

In Figure 4, reference numeral "28" has been deleted.

"Replacement Pages" and "Corrected Pages Showing Drawing Corrections" are attached hereto.

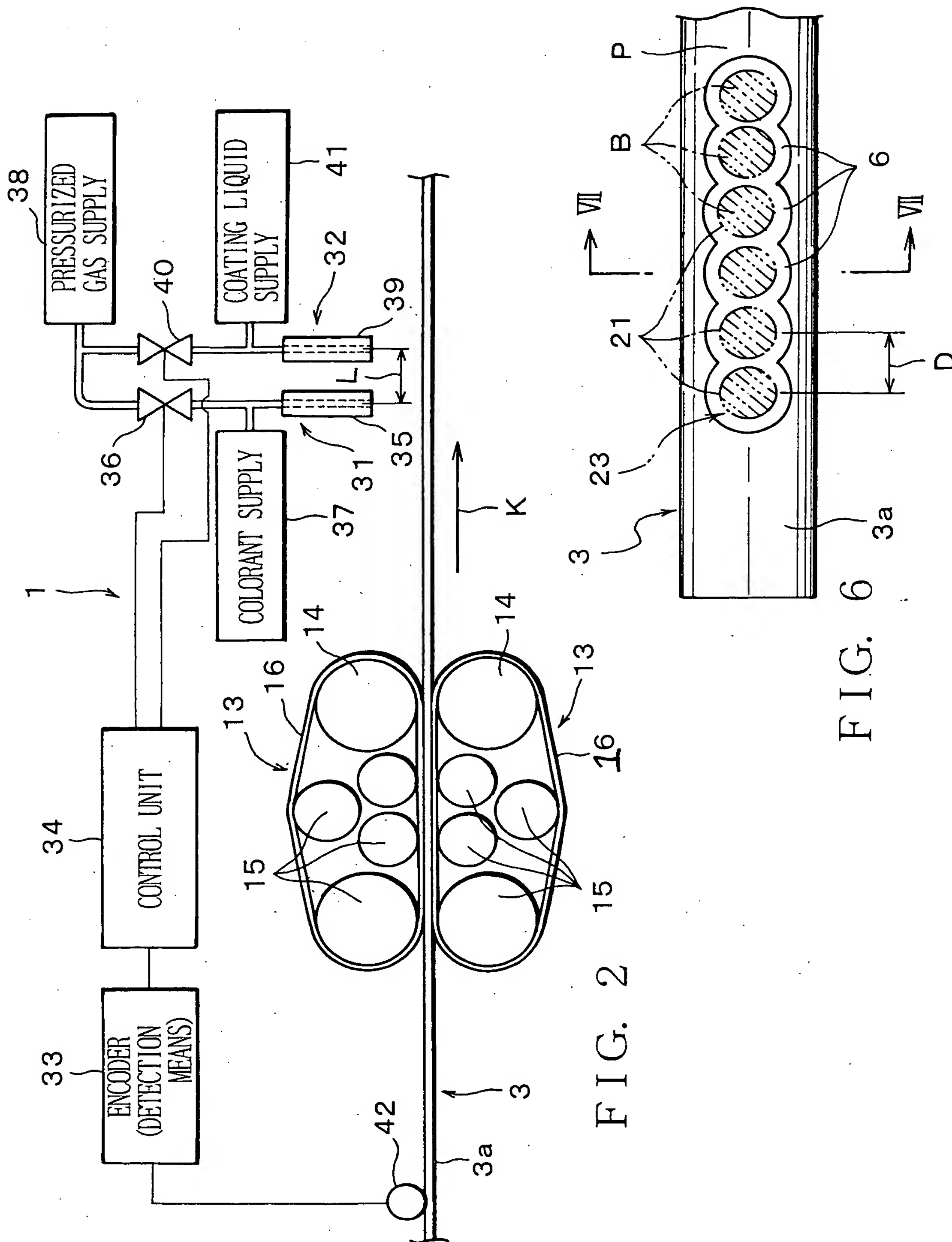


FIG. 2

FIG. 6

